

REMARKS

Claims 7 and 9-11 were previously canceled in this application.

Claims 12-19 and 31-34 are canceled herein.

Claims 1-6, 8, 20-30, and 35-38 are pending in the present application.

At the outset, Applicants wish to thank Examiner Chang for indicating that the claims are free of the prior art. Applicants respectfully submit that, in view of the present amendments and remarks, the present claims are fully patentable.

With respect to consideration for rejoinder, Applicants note that the Examiner appears to confuse the right to rejoinder after filing a response to a non-final office action (When all claims to the elected product are in condition for allowance, all process claims eligible for rejoinder (see MPEP §821.04) must be considered for patentability”) with after allowance practice. If amendments are submitted after allowance to add only process claims which depend from or otherwise require all the limitations of an allowed product claim, then these claims must meet the requirements of 35 U.S.C. 101, 102, 103, and 112 to be entered (MPEP §821.04(b)). However, as in this case, the claims were previously presented and the product claims were found allowable following a response to a *non-final* Office Action, rejoinder is a ***matter of right***. Nonetheless, in view of the Office’s procedural posture and clear indication of patentable distinctness between the claims presented and allowed herein and those previously held withdrawn as non-elected, Applicants have amended the claims to delete the withdrawn, non-elected subject matter. As such, this issue is now moot.

The provisional rejection of Claims 1-6, 20-30, and 35-38 under the judicially-created doctrine of obviousness-type double patenting in view of Claims 1-12 of co-pending U.S. Patent Application Serial No. 10/911,633 in view of WO 99/37296 supplemented is respectfully traversed. Quite simply, as explained in detail below, all of the pending claims are now otherwise allowable. Accordingly, the only rejection remaining in this application is the provisional obviousness-type double patenting rejection. Thus, this rejection should be withdrawn under MPEP § 804, subsection I.B.

Applicants submit that the present application is now in condition for allowance. Early notification of such action is earnestly solicited.

Respectfully submitted,

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